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COMMITTEE ON ECONOMIC, SOCIAL
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25 November - 13 December 1991

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Habitat International Coalition,
a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolutions 1296 (XLIV) and 1988/4.

[29 November 1991]

BACKGROUND INFORMATION ON RECENT AND PLANNED EVICTIONS
IN THE DOMINICAN REPUBLIC

1. At its fifth session the Committee on Economic, Social and Cultural Rights indicated in its concluding observations concerning the Government of the Dominican Republic that

> "The information that had reached members of the Committee concerning the massive expulsion of nearly 15,000 families in the course of the last five years, the deplorable conditions in which the families had had to live, and the conditions in which the expulsions had taken place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected". (para. 250, p. 64).

2. This determination was based on the government sponsored mass eviction programme which has been under way since 1986 and, as of December 1990, had resulted in over 100,000 persons being forcibly evicted from their homes. For a period of time following this decision, no major evictions were carried out. However, detailed and reliable evidence received as of 26 November 1991 reflect disturbing allegations of a proposed, further large-scale planned eviction in the Dominican Republic.

3. On 17 September 1991, the President of the Dominican Republic, Mr. Joaquin Balaguer, issued decree 358-91 which orders the immediate eviction of the area known as La Cienega-los Guandules. Under this decree, up to 12,000 families (70,000 persons) are threatened with forced eviction. The President issued the decree under powers derived from article 55 of the Constitution of the Dominican Republic.

4. According to several sources in the Dominican Republic contacted on 26 November 1991, as well as media sources, 200 families (1,000 persons) have been evicted thus far. The affected area has been occupied by the Navy and turned into a restricted military zone, inaccessible to emergency services, non-governmental and community-based organizations and others working with the affected communities. As a direct result of these restrictions, sources allege that as of 26 November, 40 children have died due to the inability to receive medical treatment.

5. The families evicted thus far received a one-day warning prior to the eviction, and most have yet to receive any form of compensation or alternative accommodation. The President has justified this eviction decree on grounds that this low-income community is responsible for polluting nearby waters, ignoring the effluents disposed of by a large factory upstream.

6. A coalition of organizations including "Ciudad Alternativa" and COPADEBA, in cooperation with urban planners and sociologists have developed detailed and practical plans for La Cienega-los Guandules, which provide humane, people-centred alternatives to this arbitrary and violent eviction programme, which clearly contravenes the internationally recognized human right to adequate housing. All observers agree that La Cienega-los Guandules could be renovated and upgraded leading to a general improvement in overall living standards without resorting to forced evictions, which damage human rights, lives, homes and communities.

7. In view of the deep concern expressed by the Committee at its fifth session in relation to past evictions and taking account of the fact that the Committee specifically requested the Government to provide it with further information, which it so far failed to do, it is essential for the Committee to reinforce its earlier expressions of concern. It should therefore call upon the State party, as a matter of urgency to provide it with a detailed response to the allegations that have already been made as well as to those which are alluded to in the information below. It is submitted that, in the absence of such action by the Committee, the credibility of the Committee's supervisory procedures would be entirely undermined.

8. A dossier of detailed information about this recent decree and the evictions which includes analyses, photographs and a copy of the decree itself has been provided to the Secretariat and is available for consultation by members of the Committee. Since the largest part of the eviction has not yet been carried out, the Committee can play a preventive and constructive role in officially addressing this intended large-scale violation of housing rights in a State party which appeared before the Committee only one year ago.

9. An official request for information sent urgently by the Committee directlv to the President of the Dominican Republic expressing its concern at decree 358-91, and requesting that no further evictions are carried out, could encourage the Government to reconsider its current plans.